



# ALABAMA DEPARTMENT OF TRANSPORTATION

## Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Bob Riley  
Governor

Joe McInnes  
Transportation Director

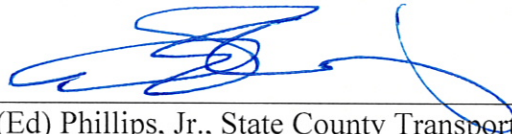
April 2, 2009

### MEMORANDUM 2009-11

TO: County Engineers

CC: Division Engineers and Division County Transportation Engineers

FROM:



D.E. (Ed) Phillips, Jr., State County Transportation Engineer

REFERENCE: FHWA Emergency Relief Program

Please be advised that the Department has notified FHWA of our intention to apply for Emergency Relief funds for damage that occurred on the federal-aid system as a result of the severe thunderstorms, tornadoes and flooding that began March 26, 2009. This office has become aware of various locations throughout the State where damage has occurred on county roads from this event. Therefore, please find attached a copy of the Guide to the Federal-Aid Highway Emergency Relief Program. This, as well as more detailed information, can be found at the FHWA Emergency Relief website at <http://www.fhwa.dot.gov/programadmin/erelief.cfm>. I highly encourage each of you to visit this site and become familiar with the provisions of this program.

In general, for a site to be eligible it must; be an eligible route, have sustained damage from a natural disaster, and have a minimum of \$5000 in damage. Each county should provide this office (copy your Division) with a listing of your potentially eligible sites along with all pertinent information (Route, classification, nature of damage, photos, and preliminary estimate). This office will coordinate with others within the Department and FHWA to process these applications. Each county that submits an application will be contacted at a later date to schedule an on-site damage assessment with representatives from your county, the ALDOT Division, possibly someone from my office, the FHWA, and possibly others.

Please feel free to contact me should you have any questions or comments concerning this matter.

DEP/dep

pc: Mr. Joe McInnes, Transportation Director  
Mr. D.W. Vaughn, Chief Engineer/Deputy Director  
Mr. Don T. Arkle, Assistant Chief Engineer, Policy & Planning  
Mr. Ronnie Baldwin, State Office Engineer  
Mr. George Conner, State Maintenance Engineer  
Mr. Sonny Brasfield, ACCA



Bob Riley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110



Joe McInnes  
Transportation Director

March 31, 2009

Mr. Mark D. Bartlett, P.E.  
Division Administrator  
Federal Highway Administration  
500 Eastern Boulevard, Suite 200  
Montgomery, Alabama 36117-2018

Dear Mr. Bartlett:

Re: Emergency Relief Funding

In accordance with 23 CFR Part 668, Subpart A, Section 668.111(a), you are hereby notified of the Alabama Department of Transportation's intent to apply for Emergency Relief funds for damage that occurred on the federal-aid system as a result of severe thunderstorms, tornados, and flooding that began March 26, 2009. Preliminary estimates indicate that the cost to repair the damage is sufficient to classify this as an Emergency Relief event. I am attaching a copy of the emergency proclamation signed by Governor Bob Riley.

Let me know if additional information is required.

Sincerely,

Ronald L. Baldwin, P.E.  
State Office Engineer

/rlb

Attachment.

pc: Mr. D. J. McInnes  
Mr. D. W. Vaughn  
Mr. Don T. Arkle  
Mr. Rex Bush  
Mr. G. M. Harper  
Mr. Ed Phillips  
Mr. George Conner  
File



STATE OF ALABAMA

# PROCLAMATION

BY THE GOVERNOR

WHEREAS, the State of Alabama has experienced severe thunderstorms, tornados, and flooding; which began on March 26, 2009, and is continuing;

WHEREAS, flood damage has occurred and is continuing to occur on public and private property;

WHEREAS, numerous homes and businesses have been damaged, disruption of utilities has occurred, and restoration efforts and activities must begin and continue;

WHEREAS, numerous injuries have occurred and the potential for more loss of life, injuries, and property damages exists;

WHEREAS, disruption of essential utility systems may occur causing extreme peril to the citizens in the state;

WHEREAS, the State of Alabama is under imminent threat of increased rain activity, which is expected to increase dramatically over the next 72 to 96 hours delivering an additional six (6) inches of rainfall;

WHEREAS, all of the above could adversely affect the health, safety, and economy of the people of the state;

WHEREAS, some counties have suffered and are anticipated to suffer more severe damages than other counties as a result of these severe weather occurrences; and

WHEREAS, it is anticipated that these damages, by reason of their magnitude, will be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or any city and expect that it will require the combined forces of a mutual aid region or regions to alleviate the adverse affects to the health, safety, and economy of the state.

NOW THEREFORE, I, Bob Riley, Governor of the State of Alabama, do hereby declare that a State of Emergency exists in Covington, Coffee, Dale, Geneva, Houston, Henry, Baldwin, Washington, Clarke, Crenshaw, and Elmore counties and direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes. In addition, I direct the appropriate state agencies exercise their statutory authority to assist the communities and entities affected. I also direct the Alabama Emergency Management Agency to make the appropriate assessments of damages and seek the necessary state and federal assistance for the affected areas.


FURTHER, in accordance with the Code of Alabama (1975), Sections 8-31-1 through 8-31-6, I hereby place all persons on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices for the sale or rental of any commodity or rental facility during the period of a declared State of Emergency.



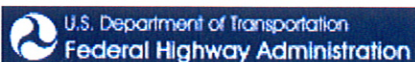
ATTEST:

  
Beth Chapman  
Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 30th day of March 2009.

  
Bob Riley  
Governor



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# Special Federal-Aid Funding

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## Emergency Relief Program

**Description:** Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program, commonly referred to as the emergency relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Applicability of ER to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses to the highway agency.

**Funds Available:** \$100 million in annual authorization. By law, the FHWA can provide up to \$100 million in ER funding to a State for each natural disaster or catastrophic failure that is found eligible for funding under the ER program (commonly referred to as the \$100 million per State cap). Also, the total ER obligations for U.S. Territories (American Samoa, Commonwealth of Northern Mariana Islands, Guam, and Virgin Islands) is limited to \$20 million in any fiscal year. For a large disaster that exceeds the \$100 million per State cap, Congress may pass special legislation lifting the cap for that disaster.

**Federal Share:** Approved ER funds are available at the pro-rata share that would normally apply to the Federal-aid facility damaged. For Interstate highways, the Federal share is 90 percent. For all other highways, the Federal share is 80 percent. Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent Federal share.

**How to Apply:** It is the responsibility of individual States to request ER funds for assistance in the cost of necessary repair of Federal-aid highways damaged by natural disasters or catastrophic failures. A notice of intent to request ER funds filed by the State Department of Transportation with the FHWA Division Office located in the State will initiate the ER application process.

### Publications Available:

[Emergency Relief Manual](#) -- This electronic version of the ER manual is intended to be an "interim update" of the printed version that was originally published in September of 1998. This interim version reflects changes that were made to the regulation governing the ER program (23 CFR 668 Subpart A) and clarifying wording to various provisions. It

## Contact

**Greg Wolf**  
[Office of Program  
Administration](#)  
202-366-4655  
[E-mail Greg](#)

is the intent to review the regulation and manual for a more comprehensive update, following upcoming reauthorization of the Federal surface transportation programs. As with the printed manual the electronic version provides guidance to assist States in applying for ER funds and making damage assessments, detailed inspections, and eligibility determinations.

[A Guide to the Federal-Aid Highway Emergency Relief Program](#) --

This document provides an overview of the emergency relief program in layman's language. (Contact Greg Wolf; 202-366-4655)

This page last modified on 02/04/09

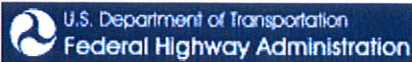
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United States Department of Transportation - **Federal Highway Administration**





# Special Federal-Aid Funding

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## A Guide to the Federal-aid Highway Emergency Relief Program

### *What Is the Emergency Relief Program?*

The Emergency Relief (ER) program - administered by the Federal Highway Administration (FHWA) - is intended to supplement the commitment of resources by States, counties, and cities (or other Federal agencies when appropriate) to help pay for unusually heavy expenses resulting from extraordinary conditions.

The Congress has authorized ER funding as part of the FHWA's Federal-aid highway program. ER funds are available for the repair of Federal-aid highways or roads on Federal lands that have been seriously damaged by natural disasters over a wide area or by catastrophic failures from an external cause. Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, or landslides. A bridge suddenly collapsing after being struck by a barge is an example of a catastrophic failure.

### *What Are Federal-aid Highways?*

The State highway agencies, working with local officials, have established the functional classification of all public roads, ranging from high service level arterials to lower service local streets. **Federal-aid highways are all the public roads not functionally classified as either local or rural minor collectors.** As a result, Federal-aid highways include the more important State, county, and city roads. Based on the functional classifications, about one-quarter of the overall public road mileage has been designated as Federal-aid highways.

### *What Is Serious Damage?*

Serious damage is major or unusual damage to a highway which severely impairs the safety or usefulness of the highway or results in road closures. Serious damage must be beyond the scope of work usually done by highway agencies in repairing damage normally expected from seasonal or occasionally different natural conditions.

As a general rule, the estimated cost for repairs from a disaster or catastrophic failure in a State must require at least \$700,000 in ER funding before the FHWA will consider approving the disaster or catastrophic failure as eligible for funding under the ER program.

### *How Much Emergency Relief Funding Is Available?*

By law, the FHWA can provide up to \$100 million in ER funding to a State for each natural disaster or catastrophic failure that is found eligible for funding under the ER program.

### Contact

Greg Wolf  
[Office of Program  
Administration](#)  
202-366-4655  
[E-mail Greg](#)

If a disaster, such as a large flood, covers several States, up to \$100 million in ER funding can be provided to each State involved in the disaster.

For a large, costly disaster that exceeds the \$100 million cap set forth in the law, Congress can pass special legislation lifting the cap for that disaster.

### ***What is the Federal Share of Costs?***

The ER program is a cost-sharing program between the Federal Government and the State and/or local highway authorities. The Federal share for the repair of Federal-aid highways is established by law and somewhat complex. In addition, it varies depending on the nature of repairs, when the work is accomplished, and the Federal-aid route being repaired, as follows:

- For the costs associated with restoring essential highway traffic, minimizing the extent of damage, or protecting the remaining facility, which are incurred in the first 180 days after the occurrence of the disaster, the Federal share is 100 percent.
- For the costs of permanent restoration work, and the cost of all repairs incurred after the first 180 days, the Federal share is based on the type of Federal-aid highway that is being repaired. For Interstate highways, the Federal share is 90 percent. For all other Federal-aid highways the Federal share is 80 percent. The Federal share can be increased in States with high percentages of federally owned public lands.

### ***What Types of Repairs Are Eligible for Funding?***

ER funds can be used for "emergency repairs" and "permanent repairs."

Emergency repairs are those repairs during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. Typical examples are:

- establishing emergency detours
- removing slides and debris
- providing temporary bridges or ferry service
- regrading of roadway embankments and surfaces
- placing rip-rap to prevent further scour.

Permanent repairs are those repairs undertaken, normally after emergency repairs have been completed, to restore the highway to its predisaster condition. Typical examples are:

- restoring pavement surfaces
- reconstructing damaged bridges and culverts
- replacing signs, guardrail, fences, and other highway appurtenances.

### ***What About Funding for Repairs on non-Federal-aid Highways?***

The FHWA's ER program is limited to the repair of Federal-aid highways (as previously defined) or roads on Federal lands. However, Federal assistance for the repair of public roads not covered by the FHWA's ER program is available through the disaster relief program



administered by the Federal Emergency Management Agency under the Stafford Act.

### ***How Does the Emergency Relief Program Work?***

The decision to seek financial assistance under the FHWA's ER program rests with the State highway agencies. Local highway authorities do not deal with the FHWA directly. Instead, they must make their application for possible funding through their State highway agency. It is the State highway agency's option to determine whether it will seek ER funding for the repair of Federal-aid highways, regardless of which jurisdiction - State or local - they are under.

The following outlines the ER process.

**Restore Essential Service:** State and local highway authorities are empowered to immediately begin emergency repairs to restore essential traffic service and to prevent further damage to Federal-aid highway facilities. Properly documented costs will later be reimbursed once the FHWA Division Administrator makes a formal finding that the disaster or catastrophic failure qualifies for funding under the ER program. On the other hand, permanent repairs require prior FHWA approval, which is only given after the FHWA Division Administrator makes a formal finding that ER funding will be provided for a disaster or catastrophic failure.

**Governor's Proclamation:** A formal proclamation of the existence of an emergency is made by the State Governor. A Presidential declaration, if issued, can also serve this same purpose.

**Preliminary Notification:** The State highway agency notifies the FHWA division office (the FHWA's field office in each State) by letter that it may be seeking ER funding. This is known as a "letter of intent" and is usually done as soon as it is evident that there is eligible damage.

**Acknowledgement:** The FHWA division office acknowledges receipt - in writing - of the State highway agency's letter of intent.

**Damage Assessments:** The State highway agency, in cooperation with FHWA division office engineers, undertakes damage surveys. This may include local authorities where appropriate. Typically, this involves on-the-ground visits of the damage sites to verify the extent of damage and to determine the cost of repairs eligible for ER funding. In some cases, where there is a need to expedite the delivery of ER funding for high-cost disasters, an initial damage survey may be based on aerial fly-overs, news telecasts, and other means of quickly estimating the extent of damage. This initial damage survey is then followed up later with more detailed site inspections.

**Formal State Request:** The State highway agency submits to the FHWA division office - in writing - its request for ER funding based on the damage assessments and cost estimates.

**Division Administrator's Finding:** The FHWA Division Administrator makes a decision on the eligibility of repairs for ER funding. If a positive finding is made, the division office submits a request for an allocation of ER funds to the FHWA headquarters office in Washington, DC to cover estimated needs for the current Federal fiscal year. Additional ER funding will be made available to the State as needs arise.

**Implementation of Projects:** ER projects are advanced generally in similar fashion as regular Federal-aid highway projects (although

FHWA procedures allow many actions to be taken to expedite repair activities). Generally, the State highway agency has the lead in seeing that projects are advanced in accordance with appropriate Federal and State requirements. The total amount of ER funding provided is based on the Federal share of actual costs incurred by the State and local highway authorities to complete eligible repair activities.

### ***What is the FHWA Division Office Role***

The Federal-aid highway program is a federally assisted State-administered partnership between the FHWA and the States. The **FHWA's division offices**, located in every State, have been delegated the authority to function as FHWA's focal point in advancing Federal-aid highway projects.

For the ER program, the division office is available to:

- Brief State and local officials on the ER program
- Offer advice on the eligibility of repairs for funding
- Assist in performing on-site damage surveys and preparing estimates of the costs of repairs
- Expedite the flow of ER funding and the advancement of projects
- Provide technical assistance on the design of repair projects
- Coordinate damage surveys with other Federal agencies

### ***Key Items for Local Authorities:***

**State highway agency contact:** Know the contact person within the State highway agency who is responsible for the administration of the ER program. This will serve as a conduit for receiving information from, and providing input to, the State.

**Identify your Federal-aid highway routes:** Maintain a listing of the Federal-aid routes in your county or community. Damage to these routes is potentially eligible for funding under FHWA's ER program.

**Document emergency repair costs:** If a disaster has occurred and you are undertaking emergency repairs to restore essential traffic, minimize damage, or protect remaining facilities, keep good records of the costs incurred. These could be critical at a later date if you opt to seek reimbursement under the ER program.

**Permanent repair work:** Remember, permanent repair work requires prior approval by the FHWA division office.

### ***Additional Information:***

Feel free to contact the FHWA division office in your State (see <http://www.fhwa.dot.gov/field.html>) if you have questions on FHWA's ER program.

**Emergency Relief Manual:** This manual, published by the FHWA, provides more detailed guidance on the ER process, including the eligibility of work for funding. The ER manual is available online at <http://www.fhwa.dot.gov/reports/erm/index.htm>.

PDF files can be viewed with the [Acrobat® Reader®](#)

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